

## **AGENDA**

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, April 27, 2009**

**6:00 p.m.** Workshop

**7:00 p.m.** Call to Order

**6:00 p.m. WORKSHOP** re: a request for shore access at the Town Landing Road  
(Workshop held in West Wing of Town Hall)

### **I. APPROVAL OF MINUTES**

April 13, 2009

### **II. MANAGER'S REPORT**

- Bulky item pick up week, May 4<sup>th</sup> – May 8<sup>th</sup>
- “Blizzard Busters” recognition luncheon
- Vernal Pool update
- Workshop with Farmer’s Club

### **III. PUBLIC DISCUSSION**

### **IV. LEGISLATION AND POLICY**

**09 – 059** To hear a report from Scott Lindsey of the Maine Department of Inland Fisheries & Wildlife re: feeding of wild animals.

**09 – 060** To hold a Public Hearing to consider and act on a Victualer’s License for Magee’s Pantry to operate at the Farmer’s Market, for the period of *April 27, 2009 – June 30, 2009*.

**09 – 061** To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Penobscot Valley Kennel Club Dog Show, *June 19, 20 & 21, 2009*, to be held at the Cumberland Fairgrounds.

**09 – 062** To countersign the M.S.A.D. 51 *May 26, 2009* Budget Validation Referendum Warrant.

**09 – 063** To consider and act on the request received on *December 22, 2008* to establish a Village Center Committee.

**09 – 064** To set a Public Hearing date (*May 11th*) to consider and act on a recommendation from the Planning Board to repeal and replace Section 501 (Non-Conforming Uses) of the Cumberland Zoning Ordinance.

**09 – 065** To hold a Public Hearing and set a *June 9, 2009* election date re: overrule referendum.

**09 – 066** To hear a report from the Ordinance Sub-committee re: Shoreland Zoning.

## **V. NEW BUSINESS**

## **VI. ADJOURNMENT**

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, April 13, 2009**

## **6:00 p.m. Workshop**

**Present:** Chairman Turner, Councilor Stiles, Moriarty, Copp, Storey-King, Perfetti and Porter.

**6:00 p.m. WORKSHOP** with the Greely Road Extension neighbors re: a request for driveway access from Greely Road Extension.

## **7:00 p.m. Call to Order**

### **I. APPROVAL OF MINUTES**

March 23, 2009

Motion by Councilor Moriarty, seconded by Councilor Stiles, to approve the minutes as amended this evening.

VOTE: UNANIMOUS PASSAGE 7-0

### **II. MANAGER'S REPORT**

- Library Director will attend the 4/27 meeting
- Last Friday an 80B lawsuit was filed to appeal the council's action related to granting a contract zone on Main Street. The appeal will likely be 'on hold' pending the outcome of the referendum
- Animal Control Officer and representative from State IF&W Department present at the 4/27 meeting to discuss feeding of wild animals
- Veteran's Monument Committee will meet for first time tomorrow evening.

### **III. PUBLIC DISCUSSION**

Mr. Dave Swan read from a prepared statement addressing the FY '10 MSAD 51 budget. "I would suggest administration...reconsider wage increases planned for this coming year" similar to the steps taken by the town. "We're all in this together."

### **IV. LEGISLATION AND POLICY**

#### **09 – 045 To hear a recommendation from the Lands & Conservation Commission re: request for a license to locate driveway access from Greely Road Extension.**

Mr. Samuel York, Chair of the Lands & Conservation Commission, presented the commission's recommendation to oppose the driveway license request. The commission held two meetings, and voted in support of the request at the first meeting, and against the request at the subsequent meeting. The affirmative vote was based on the thought "there was no other way for the owner to utilize his property." However, the second opposing vote was a result of the committee's belief that allowing the driveway "over this somewhat recreation use" represents an "increase in the sprawl activity that's taking place in the town of Cumberland." Chairman Turner, however, noted that the concern regarding sprawl was not mentioned in the minutes of the commission's first meeting. "It left me a little bit at odds" that the issue of public safety access was not considered. Sprawl is "anything that develops property outside the median area of town." During the individual committee site visits it appeared there was no alternative to improving the range way. Once the snow cover was gone, it was clear there was a "gentler slope that would allow a reasonable drive to be extended from Mr. Simonds'

(existing) driveway.” This council, whose members change over time, grants the license and the commission felt a “commitment to maintaining a right of way” could also change and “potentially invite legal action.” The commission also believed the right of way “needed to be paved” because of the distinctness of the hill. Once it’s paved “it becomes even more impervious” and increases the amount of erosion. A driveway would prevent accumulation of snow to allow the sledding that occurs today. Councilor Perfetti asked how many members voted at the second meeting - 8 in favor and 1 opposed. Councilor Porter asked about the property grade. Due to the graduation of the grade, the Town Manager indicated paving the entire driveway is unnecessary. However, “They all create the same rate of runoff.” The commission believes proper engineering “at least at the outset” could control water erosion, but expressed concerns regarding proper maintenance.

**09 – 046 To hold a Public Hearing to consider and act on authorizing a license for driveway access from Greely Road Extension.**

Town Manager Shane presented photo slides of the area requested for use as a driveway. Greely Road Extension ends where the pavement ends but the road continues “in ownership by the town” up and over Blueberry Hill. Mr. Simonds has requested to construct a driveway from the end of the paved section of Greely Road Extension heading approximately 300-320 feet toward Bruce Hill Road. The ledge outcropping is located at the section closest to Greely Road Extension. The ditches along Greely Road Extension are maintained by the town. There are no municipal requirements which must be met in order to divide the lot in question. However, Attorney Kenneth Cole, also present this evening, has indicated the town council may place conditions upon any improvement to the right-of-way. “With those permissions come conditions. All license agreements are unique” and can be revoked by the town. If the license is rejected “that pretty much ends the process.” The conditions “basically evaporate” if the driveway is instead extended from the current Bruce Hill Road access. Chairman Turner questioned whether any likelihood exists that the improvement would be beneficial in controlling the water runoff? Rip-rap slows down the velocity of the water drainage. “From an engineering exercise we can make it work.” Councilor Perfetti asked about town maintenance responsibilities. Any road that has a hill usually requires cleaning of ditches, from every other year to five to seven years. Councilor Moriarty asked if this request were not before us, would there be any compelling need to do anything on the piece of property “other than what you’re doing today?” and the Manager indicated “Nothing different” would occur.

Approximately thirty area residents were in attendance. Mr. Robert Vail shared his strong concern regarding “diminishment of public access.” A driveway on public property should be built to town standards “because that’s what it is.” Mr. Vail suggested, “There’s been no maintenance by the town to preserve access” at the lower end of Range Road and he has also encountered challenges by abutting property owners when attempting to cross the end of Turkey Lane. Mr. Don Hawkins elaborated on Mr. Vail’s point by suggesting the improvement will “intimidate” continued use of the easement. “I don’t think there’s anybody that would consider this an improvement to the Town of Cumberland with the exception of Mr. Simonds.” Mr. Bob Eaton has lived on Greely Road Extension for 27 years and has replaced his driveway culvert on three occasions due to water drainage. The town struggles “to maintain the roads we have now. I now have standing water in my backyard because of Newell Ridge.” Ms. Hermond asked why this request was being considered when it was denied three years ago when requested for the Habitat for Humanity homes. At that time, she suggested, Mr. Simonds was opposed to the concept of a driveway extension over this property. “We are using that for sliding...walking” and other recreational activities. “Why should one person have the privilege to change that for all of us?” Councilor Porter suggested that if granted, the license impacts a forty-nine and a half foot road width; “That is all.” Mr. John Painter stated, “If a driveway goes in there...it’s not going to affect me.” However, he is concerned that “this is another step” in putting the road through the Bruce Hill Road and the possibility those other property owners will ask to connect a driveway from it creating a need to bring the road to town standards. “We are concerned that some day this road will be finished all the way through as a town road.” Mr. Mark Perdine shared the concerns regarding traffic, speeding and the “prospect of this continuing on.” Mr. Pete Gagne questioned the distinction

between the driveway and a town-owned road, adding, "You can't just put in a driveway over that ledge." He also asked whether a fire engine could be brought over the driveway without extensive improvements. The Town Manager responded that bringing the driveway to town road standards would require continuing Greely Road Extension to the top of the hill. "That is not being requested." This request would require a stamped engineer plan. Mr. Ron Dana believes this request benefits only the existing and future homeowners. Mandy Savage indicated she spoke with an expert regarding the environmental standards who suggested it would be "much less" of an environmental impact to extend the existing driveway off Bruce Hill Road and referred to the vote reversal of the Lands & Conservation Commission as "very telling."

Mr. Simonds does not believe he is the only benefactor from this improvement. "As a landowner in town I have certain rights and permissions." He recognizes that he has access to the property in its present state. The current erosion does negatively impact many people downstream and by building a properly designed ditch, the erosion issues will be improved. To extend the existing Bruce Hill Road driveway an additional 300 plus feet results in a 600 foot driveway and cutting through a forested area, as opposed to a 400 foot driveway from Greely Road Extension. Addressing the possible future sale of the Knight property, Mr. Simonds suggested access must come from Greely Road Extension. "There's only one way in and one way out." With respect to a town condition for maintenance, he suggested, "It's the only license in town where that requirement has been made. Practically, I don't see the need" for a maintenance requirement. Mr. Simonds expressed "distress" upon learning of a second vote by the Conservation Commission, asserting that he was made unaware of the second meeting. Mr. Simonds addressed the statement regarding his opposition to the driveway placement for the Habitat homes. He was opposed to a driveway on the property in question because he believed the home costs could be minimized by placing the driveways that were ultimately approved. He further suggested there are mechanisms for the town to vacate ownership of the land and "eliminate the concern" addressed by many this evening. Councilor Stiles suggested Mr. Simonds would be "charged with maintaining" property that is used by more than the homeowner. He questioned whether access from the existing Bruce Hill Road driveway was considered. Mr. Simonds responded the alternative would require a width extension and create a long driveway. Public hearing closed at 8:34 p.m.

Speaking to the Conservation Commission Chairman, Councilor Perfetti stated, "Votes are important. Before you take a vote make sure you have all the facts before you." Regarding the possibility of a throughway in the future, "It's always an option. It's never the end." Suggesting he would vote in opposition to the license request, he stated, "It's a little bit of putting the cart before the horse." Benefiting a few might "disrupt the use of an undetermined amount of people." Councilor Moriarty also expressed his opposition. "We...are the stewards and custodians of all town-owned property. We need to weigh the interest of all residents and property owners in town." This is a "unique park-type environment" used for recreational purposes by many in town. "The time to prevent" a through-way from happening "is now. Chairman Turner does not necessarily believe granting the license precludes the enjoyment of the property recreationally. However, if granting the license improves the drainage concerns substantially "It would be a huge plus. There are a number of issues to consider here. I don't think it's a clear cut decision either way." Councilor Storey-King opposed granting the license. The council has not seen the engineering, cost analysis, utility or road plans. She believes "It's a wash" to come from either direction with the driveway access. Mr. Vail "tied it up for me" when he raised the concern of diminished access. "I think that's an important concern." Councilor Copp shared his belief that this matter will come before the council in the next ten years due to a need to access the Leland property. This request will not create more traffic but there will be significant traffic generated by the need for access to the Leland property. The erosion problem "was going to be taken care of on Bob Simonds' dime, not the towns." Councilor Porter feels the issue "is not black and white." The improvements will address a "significant drainage and erosion" issue. There's no question that the visual effect will change for the negative. Blueberry Hill is a gem, but "we don't own it." "I don't buy into" the sentiment it's a park-type property. "We have a legal right to only a forty-nine and a half foot right of way." He will "never support a through-road on this property." Councilor Stiles suggested

bringing the driveway down the hill creates “another water raceway” and noted his disappointment over the lumbering operations on the Leland property side, which have channeled the water down to Greely Road Extension. “I have a tough time buying the argument that we should keep the property open” in order to facilitate access to property posted as private property. “It really gets my ire up when we start to take away the rights of the landowner.” Councilor Moriarty responded that this is not an erosion control proposal. What we do periodically to control erosion is sufficient. Councilor Perfetti added this is not an either/or proposition. “We are not here to mitigate any potential environmental disaster.” The third option is “to do nothing.” Chairman Turner stated he was concerned with the “disingenuousness” of the vote reversal of the commission and added that he is not in favor of a road extension to Bruce Hill Road.

Councilor Porter called the question and Councilor Perfetti seconded the motion.

VOTE: UNANIMOUS PASSAGE 7-0

Motion by Councilor Porter, seconded by Councilor Copp, to approve a license for driveway access to Robert and Michelle Simonds across the undeveloped portion of Greely Road Extension.

Councilor Moriarty raised a point of order to question whether the council desired to authorize the Town Manager to negotiate the terms and conditions of the driveway license? The council consensus indicated agreement.

Motion made by Councilor Porter, seconded by Councilor Stiles, to Reconsider (the motion and vote).

VOTE: RECONSIDERATION CARRIED BY UNANIMOUS PASSAGE 7-0

Motion by Councilor Porter, seconded by Councilor Stiles, to direct the Town Manager to negotiate a license agreement with Robert and Michelle Simonds and return to the Town Council for consideration and approval.

VOTE: PASSAGE 4-3 (Councilors Perfetti, Storey-King and Moriarty opposed)

TIME: 9:17 pm.

**09 – 047 To hold a Public Hearing to consider and act on a Mass Gathering Permit from the Cumberland Soccer Club for a Labor Day “Just For Fun” soccer tournament to be held at Twin Brooks Recreational Park on September 5<sup>th</sup> & 6<sup>th</sup>, 2009.**

Ms. Susan Clifford represented the Soccer Club. Over 150 teams from around the state participate in the soccer club. Parking attendants will manage parking during the event and the tournament has assigned a parking “czar.” Future requests will come before the council in June as opposed to this early date.

Motion by Councilor Storey-King, seconded by Councilor Perfetti, to approve a Mass Gathering Permit for the Cumberland Soccer Club for a Labor Day “Just For Fun” Soccer Tournament at Twin Brooks Recreation Center, from 7 am to 7 pm on Saturday and Sunday, September 5<sup>th</sup> and 6<sup>th</sup> 2009.

VOTE: UNANIMOUS PASSAGE 7-0

A short break was taken at 9:22 pm

**09 – 048 To hold a Public Hearing to consider and adopt the MMA Model General Assistance Ordinance Appendix (B) for the period of April 1, 2009 through September 1, 2009.**

Motion by Councilor Porter, seconded by Councilor Moriarty, to adopt the MMA Model General Assistance Ordinance Appendix B for the period April 1, 2009 through September 1, 2009.

VOTE: UNANIMOUS PASSAGE 7-0

**09 – 049 To approve a Resolution to consolidate the Fire and Rescue Departments to one Fire/EMS Department (Charter Article II, §3(E)).**

The Town Manager explained that the Town Charter requires council approval of any change in town department structure. A powerpoint presentation was given by Fire Chief Dan Small delineating the “reunification” of the fire and rescue departments. The merged department will integrate the EMS team into the “department as a whole” and “everyone will have a place,” either in a single or multi-discipline role. A fulltime/per diem shift will be created with a staff of two, and these employees will be required to perform both disciplines. One firefighter/EMT will be on duty 24/7. Shift coverage will consist of a twenty-four hour, 7 am to 7 am, firefighter/paramedic, and a 7 am to 4 pm and 4 pm to 10 pm firefighter/EMT, both supported by a student live-in from 10 pm to 7 am. Additionally, the existing live-in student program will increase by two students. These live-in students are required to staff the station.

Call response will be based on “first emergency first.” An effort “will always be made” to free up the ff/paramedic for emergencies as on-call personnel become available. Chief Small indicated the department responds to an average of five structure fires annually. Mutual aid partners will be utilized when necessary. “We will always have a paramedic in the three towns.” Training in both disciplines is a priority and will be made available to all existing rescue personnel. The town will see a savings in overtime costs due to the workweek increase from 40 to 52 hours. Preservation of our fire and rescue on-call personnel will delay the need for a career department. The town anticipates a financial savings of \$58,000. The Whitman House will be utilized as a fire house for the new twenty-four hour per diems.

Councilor Perfetti asked about the rules for the live-in students at the Whitman House. “It’s not a frat house. We are very sensitive to their needs” and the neighbors comfort replied Chief Small. Councilor Moriarty asked the effective date? July 1, 2009, due to contractual obligations with Falmouth and Yarmouth. Councilor Storey-King asked about the grant funded position, known as SAFER. The Chief responded that the position assists us with the day-time duty and with the ambulance coverage and will provide shift coverage.

Public discussion – Mr. John Devinski of Monmouth, and a current on-call rescue responder described himself as “a person affected by the merger.” He challenged the use of the SAFER Grant position as shift personnel, and the Chief replied that the town has received approval from Mr. Bob Waters. Mr. Devinski questioned whether other alternatives were considered, and the Chief explained, “A lot of this is predicated” on a similar position to move to a combined model by our current regional rescue partners. The Town Manager added, “If money weren’t an object and we could fully fund both departments, it would be the ultimate of ultimates.” Mr. Devinski questioned how the town will respond if EMS call volumes increase, suggesting “You’re gonna add more staff.” Councilor Perfetti responded, “I don’t know what the future holds. I do know...currently that trend is moving down.” With the mutual aid programs we “increase our coverage essentially.” Mr. Devinski questioned the availability of training for existing rescue personnel. Chief Small responded, “We are going to offer the training.” There are personnel on staff and from other communities who are multi-trained to assist in the training opportunities. Rescue Chief Bolduc added, “This is developing from the times we’re living in now. The council, manager and I value the commitment the rescue has had in this community for many years.” The program worked really well and “It’s demise was not at our request” but at the behest of the other communities who informed us they will move to a similar service. JP added that there was little debate this evening because discussions have occurred for several months.

Motion by Councilor Perfetti, seconded by Councilor Moriarty, to adopt the following Resolution: Pursuant to Article II, §3(e) of the Council-Manager Charter of the Town of Cumberland, the Town Council hereby consolidates the Cumberland Fire and Rescue Departments into one Fire/EMS Department and authorized the Town Manager to take such actions as may be necessary in the furtherance of this Order.

VOTE: PASSAGE 6-1 (Councilor Stiles “opposed in principle)

**09 – 050 To hold Public Hearing to consider and act on adoption of the FY10 Municipal Budget.**

Councilor Stiles presented the FY 2010 municipal budget. The finance committee began its review in December 2008 and directed the Town Manager to bring in a zero percent budget. Revenues will decrease by 4.5% or 700K in FY 10 over FY 09. Expenses will reduce by .05%. This leaves a net of 4.13%. Changes in the FY 10 budget include salary reductions, closing of town hall on Fridays, elimination of part-time health benefits, combining fire and rescue departments, move of two full-time employees to part-time status, and no regional paramedic program. Funding for the engineering of the Route 88 improvements is included in the budget as well as continued funding of the capital program. Revenue decreases are expected due to a loss in excise tax collection, reduced state revenue sharing, reduced MDOT road funding and reduced shellfish license revenues due to the closing of shellfish flats. We will increase fees at the compost facilities and victualer’s licenses. The net effect is \$.14 cents on the mill rate or .93%, less than one percent.

Councilor Moriarty asked if the fee increases will be adopted at a later date. It will be considered by the ordinance committee first with a recommendation sent to the full council. Councilor Perfetti supports the budget because “it’s a sound budget and the manager should be commended.” Councilor Perfetti requested a workshop to begin talks regarding land valuation because “it’s not growing fast enough.”

Councilor Stiles moved, seconded by Councilor Moriarty, to amend the budget to reduce the Town Councilor wages by five percent. WS asked to amend the budget to reduce the councilor’s wages.

VOTE: UNANIMOUS PASSAGE 7-0

Motion by Councilor Copp, seconded by Councilor Perfetti, to approve the FY ’10 Municipal Budget in the amount of \$7,997,838 (\$3,777 less than FY 2009 and \$434,838 less than the State Mandated Budget Cap).

VOTE: UNANIMOUS PASSAGE 7-0

**09 – 051 To authorize the Town Manager to accept back taxes in the amount of \$14,748.09 and issue a quit claim deed for property identified as Map R08A/Lot 45.**

Motion by Councilor Porter, seconded by Councilor Stiles, to table this item.

VOTE: UNANIMOUS PASSAGE 7-0

Tabled

09-058 taken out of order at this time.



**09 – 052 To appoint members to vacant seats on Boards/Committees.**

Motion by Councilor Porter, seconded by Councilor Moriarty, to appoint:

Robert Maloney and Daniel Holt - Shellfish Conservation Commission, and  
Tara Hill and Rose Bradshaw – Recreation/Community Education Advisory Board

**09 – 053 To award the Range Road waterline and reconstruction project to A.H. Grover and to authorize the Town Manager to negotiate or bid the balance of the project to expend the full amount of the authorized bond.**

The Town Manager indicated A H Grover is willing to use the Phase One prices and he will come back before the council for phase two funding. Councilor Storey-King questioned the “one cent items” noted in the contract bid, stating she wanted to ensure that the town “won’t cut any corners” on the project.

Motion by Councilor Stiles, seconded by Councilor Perfetti, to award the Range Road waterline and reconstruction project to AH Grover for their bid amount of \$1,673,000 and to authorize the Town Manager to negotiate or bid the remainder of the project and to expend the full amount of the \$4 million dollar previously authorized bond.

VOTE: UNANIMOUS PASSAGE 7-0

**09 – 054 To set a workshop date of April 27<sup>th</sup> to review a request for shore access at the Town Landing Road.**

Motion by Councilor Stiles, seconded by Councilor Copp, to set a workshop date of April 27<sup>th</sup> to review a request for shore access at the Town Landing Road.

VOTE: UNANIMOUS PASSAGE 7-0

**09 – 055 To set a Public Hearing (April 27<sup>th</sup>) to consider and act on a Victualer’s License (Vending Unit operating at Farmer’s Market) for Magee’s Pantry, 69 John Howland Drive, Yarmouth, Maine.**

Motion by Councilor Storey-King, seconded by Councilor Stiles, to set a Public Hearing (April 27<sup>th</sup>) to consider and act on a Victualer’s License (Vending Unit operating at Farmer’s Market) for Magee’s Pantry, 69 John Howland Drive, Yarmouth, Maine.

VOTE: UNANIMOUS PASSAGE 7-0

**09 – 056 To set a Public Hearing date (April 27<sup>th</sup>) to consider and act on a Mass Gathering Permit for the Penobscot Valley Kennel Club Dog Show, June 19, 20 & 21, 2009, to be held at the Cumberland Fairgrounds.**

Motion by Councilor Moriarty, seconded by Councilor Perfetti, to set a Public Hearing date (April 27<sup>th</sup>) to consider and act on a Mass Gathering Permit for the Penobscot Valley Kennel Club Dog Show, June 19, 20 & 21, 2009, to be held at the Cumberland Fairgrounds.

VOTE: UNANIMOUS PASSAGE 7-0

**09 – 057 To receive a validation certification from the Town Clerk regarding an overrule petition referendum and to set a Public Hearing date (April 27<sup>th</sup>) to act on setting a referendum election date.**

Motion by Councilor Stiles, seconded by Councilor Copp, to receive a validation certification from the Town Clerk regarding an overrule petition referendum and to set a Public Hearing date (April 27<sup>th</sup>) to act on setting a referendum election date.

VOTE: UNANIMOUS PASSAGE 7-0

**09 – 058 To hear a report from the Finance Committee Chair re: FY’09 3<sup>rd</sup> quarter financials.**

Finance Committee Chairman, Councilor Stiles, stated the third quarter is “coming along very, very nicely.” We have expended 77.1% versus 78.8% last fiscal year. “We really needed to make up some ground in a hurry and we’re doing it,” added Finance Director Alex Kimball. Revenues collected through March 31, 2009 show a drop of 9% for the year. “We’re projecting to come in about dead even on revenues this year. We’ve come a long way but we still have a ways to go,” he suggested. Property tax collections show us maintaining our percent collection. We are “now dead even as of today. The big gap that could have occurred has not occurred this year. That’s very, very good news for the town of Cumberland” noted Director Kimball.

**V. NEW BUSINESS**

**Councilor Storey-King** – there is a public hearing on the SAD 51 budget tomorrow night, which will be televised; there is a lot of discussion over this budget; some extreme requests are being made and are being met; she stressed we are one community, we don’t have sides; we need to simultaneously look at what we can afford and what’s best for our students; it’s not an either/or situation; encouraged residents to ask questions and not make assumptions; get informed and speak to the directors; we’re all in this together; last Thursday afternoon the Cub Scouts came to town hall council chambers – she thanked the Town Manager and Deputy Town Clerk for their assistance with the group.

**Councilor Porter** – it was a sad, sad day to hear we are being sued by a resident of our community and that we can’t allow the process to work; we’ve done everything possible to help them with the (petition) process; and it’s time to let the people of Cumberland decide whether they want a credit union or not.

**Chairman Turner** – concurred with Councilor Porter’s concern re: lawsuit over the credit union; Councilor Storey-King’s comments fit very nicely with the credit union issue; the collective decision suggests there is more than a modicum of credibility to the outcome of that decision; pending a vote by the residents, to institute a lawsuit has to be considered more of a tactic and is unfortunate; we are one town;

**Councilor Stiles** – he had a request to amend our ordinance to allow chickens on residential property and he asked the council to consider the request; several people were upset about the town re: vernal pools letter; thanked the fire dept for their annual awards banquet.

**Councilor Moriarty** – fire banquet a great event; Val Halla open house was well attended; will participate in the 5k Safe Passage road race on 5/01.

**VI. ADJOURNMENT**

Motion by Councilor Perfetti, seconded by Councilor Stiles, to adjourn.

VOTE: UNANIMOUS PASSAGE 7-0

TIME: 10:49 p.m.